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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING THE QUESTION OF HUMAN RIGHTS IN CYPRUS

Letter dated 25 January 1993 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith a letter dated 25 January 1993, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

I should be grateful if the text of the present letter and its enclosures could be circulated as a document of the 49th session of the Commission on Human Rights under agenda item 12(a).

(Signed): Nicolas D. Macris
Ambassador
Permanent Representative

GE.93-10561

Permanent Mission of the Republic of Cyprus
Geneva

25 January 1993

Mr. Chairman,

I have the honour to refer to a letter dated 26 August 1992, together with what purports to be an "information note" from the Permanent Representative of Turkey. The letter asserts that there are some errors and omissions in the information regarding the Cyprus issue and irrelevant allegations concerning Turkey contained in the preliminary working paper on human rights dimensions of population transfer submitted by Mrs. Claire Palley as an official document of the forty-fourth session of the Sub-Commission (E/CN. 4/Sub. 2/1992/WP.1). The only express references to the Cyprus issue and to Turkey in that document were in paras. 6 and 9 which, so far as relevant, read:

> "6. The possible reversal of population transfers has become a major issue following the ending of colonialism, belligerent occupations and dissolution of States. The most obvious current examples are from the States formerly constituting the Union of Soviet Socialist Republics, from the former Yugoslavia, from the territories occupied by Israel and from the part of Cyprus occupied by Turkey ... In Croatia, Bosnia and Herzegovina how can current occupants be assisted to return to their original homes? How can the 65,000 Turkish settlers in the small island of Cyprus be dealt with? Are faits accomplis to be left intact ...?

H.E. Mr. Alfonso MARTINEZ
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> 9 ... In Cyprus, were a settlement between the communities to be reached, there would be problems about excluding mainland settlers, who almost equal the numbers of indigenous Turkish Cypriots, from participating in any referendum."

The Permanent Representative of Turkey, claiming that he "will not dwell on the irrelevant allegations concerning Turkey in this paper", seeks to distract international attention from Turkey's responsibility for the implantation of mainland Turks in the area of Cyprus occupied by her armed forces.

The Report of the European Commission of Human Rights, Cyprus v. Turkey, Application No. 8007/77, adopted by the Committee of Ministers on 2 April 1992, establishes the true facts. The Report found there to be

> "proof of taking and occupation of houses and land by ... Turks from the mainland, both military and civilians ... The Commission also found strong indications that Turks from the mainland, had settled in the North in houses belonging to Greek Cypriots" (para. 149).

These properties belonged to Greek Cypriot refugees who

> "are physically prevented from returning to the northern area as a result of the fact that the demarcation line across Cyprus ("green line" in Nicosia) is sealed off by the Turkish army. This fact of common knowledge is not disputed by the respondent Government /Turkey/" (para. 133).

The Commission concluded that continuation of this situation was an aggravating factor (para.134) and that large scale deprivation of possession of Greek Cypriots was imputable to Turkey (para.153). Turkey had, according to European Commission of Human Rights, violated both Article 8 of the Convention and Article 1 of Protocol No.1 (Copies of the Report are available from the Cyprus Mission).

This implantation of Turkish settlers is also a grave breach of Article 49 of the Fourth Geneva Convention 1949, to which Turkey is a Party, and which stipulates that

> "The Occupying Power shall not .. transfer part of its own civilian population into the territory it occupies".

Altering Cyprus' demographic structure is also contrary to international law and a violation of the rights of the people of Cyprus, because it is an attempt to manipulate the unit of self-determination by changing the population balance of the Republic of Cyprus. It is noteworthy that after the Sub-Commission concluded its forty-fourth Session, the Republic of Turkey's State Minister for Cyprus Co-ordination, Mr. Orhan Kilercioglu, was reported as urging the taking of measures to increase the Turkish population in the so-called "Turkish Republic of Northern Cyprus", a secessionist puppet entity which Turkey has established, recognised and continues to nurture, contrary, inter alia, to UN Security Council Resolutions 541 (1983), 550(1984) and 774(1992). Mr. Kilercioglu urged that

> " the population of the two communities is frequently being brought up as a factor that renders the solution of the Cyprus problem more difficult and that this should be balanced" (Ankara Radio, 26 September 1992).

In sum, the Turkish Minister controlling affairs in the secessionist entity has called for further massive population transfer by importing more mainland settlers. The enormity of this proposal is apparent if regard is had to the Report by Mr. Cuco, Rapporteur to the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe. Relying on exhaustive data provided by the Republic of Cyprus and limited data, extracted after repeated requests, from the Turkish Cypriot "administration", Mr. Cuco drew up Tables showing the Greek Cypriot population as 575,000 in 1990 and the Turkish Cypriot population as 171,500 (Report on the Demographic Structure of the Cypriot Communities, 27 April 1992, Council of Europe Parliamentary Assembly, ADOC/6589, pp.38-9, Appendix 5, Tables A.1 and A.2).

On those population figures, Mr. Kilercioglu's suggestion is in effect that 400,000 more mainland Turks should be settled

in Cyprus to make settlement of the Cyprus problem less difficult for Turkey.

It is striking that Mr. Kilercioglu's proposal was made at the very time when the UN Secretary-General and the Security Council are actively seeking a just negotiated solution to the Cyprus dispute and when all Parties had been called upon not to exacerbate the situation.

It is also important to draw the Sub-Commission's attention to the fact that Turkey's conduct in establishing settlers in an occupied territory and changing its demographic composition is, in terms of the International Law Commission's Article 22 of its draft code of Crimes against the Peace and Security of Mankind,

> "an exceptionally serious war crime /which/ is an exceptionally serious violation of principle and rules of international law applicable in armed conflict".

Such conduct, even before finalisation of the draft code, is already a war crime as set out in Article 6 of the Charter of the International Military Tribunal.

Having regard to these grave violations of human rights and breaches of humanitarian law, it is unsurprising, that the Republic of Turkey's Permanent Representative has sought to sidetrack the Sub-Commission's attention from Turkey's conduct in relation to the human rights dimensions of population transfer. The tactics used are two: the first tactic is to attempt to bluff Sub-Commission members into thinking that the Turkish mainland settlers are Turkish Cypriots. The Permanent Representative's statements in his letter and in the "information note" that "by 1960 an estimated 500,000 Turkish Cypriots were living in Turkey alone" are designed to imply this. The figure is a gross exaggeration, doubling by an additional quarter of million the already inflated and magnified number of Turkish Cypriots alleged by the puppet

regime to be in Turkey. Figures of 250,000 Turkish Cypriots in Turkey and over 750,000 around the world outside Cyprus had earlier been fabricated by Mr. Denktash (Birlik, 23.7.86). Those imaginary figures were repeated by him at the Royal Institute for International Affairs in London on 18 November 1986. Now expansion is exponential and, clutching at an illusory straw, the Turkish Permanent Representative seeks to justify this by claiming:

> " I would like only to recall that even according to some reliable Greek sources, by the mid-1960s an estimated 500,000 Turkish Cypriots, mostly families which had fled oppression and alien rule, were living in Turkey alone".

For this assertion Mr. Averoff-Tossizza's book, Lost Opportunities, p.83, is, according to the "information note", purportedly the source. An actual look at Lost Opportunities falsifies the Turkish Permanent Representative's "recollection". Mr. Averoff-Tossizza does not endorse this ludicrous figure of Turkish Cypriots in Turkey. Instead, he quotes an interview by the then Turkish Prime Minister, Mr. Adnan Menderes, in the Daily Telegraph, 3 July 1956, which Mr. Averoff describes as "a clever interview, well calculated to appeal to an international readership". He then quoted Mr. Menderes as saying that Turkey would not treat any change in regime in Cyprus as isolated, but would demand a fresh settlement of issues decided by the Treaty of Lausanne,

> "partly because the status of Cyprus affected Turkey's security but also because it would have a crucial bearing on a number of minority problems' by reason of the fact that 500,000 Cypriots had emigrated to Turkey and there were still 100,000 Turks living in Cyprus ..."

The source is thus not Greek or Greek Cypriot as alleged, but a Turkish Prime Minister, who, together with his Foreign Minister, Mr. Fatin Zorlu, was convicted and hanged in 1961 for violating Turkey's constitution. They were also convicted for inciting the population against minorities and organising

anti-Greek riots on 6/7 September 1955 to emphasise Turkey's claims to Cyprus and to deter the United Kingdom from according Cyprus self-determination. Despite the guarantees in the Treaty of Lausanne, the community of 110,000 ethnic Greeks left in Turkey after the 1923 population exchanges was forced by the 1955 events and further action in 1964, following tension over Cyprus, to leave Turkey. In 1992 the Greek community in Turkey numbered not more than 2,500: Denying Human Rights and Ethnic Identity. The Greeks of Turkey, Helsinki Rights Watch, 1992, pp. 7-9.

The reality is that there is no large reservoir of Turkish Cypriots in Turkey and that relatively few Cypriots decided to emigrate to a State which could not offer them economic opportunities similar to those in Commonwealth States where immigration was permitted.

The second tactic employed in "the imformation note" was to allege that "Cyprus citizenship was granted to tens of thousands of mainland Greek settlers and other refugees" and to embroider the allegation with distorted, out of context and even false statistics and interpretations. Some glaring examples are mentioned in an annex to this letter.

The real demographic history of Cyprus and current position, so far as it can be ascertained in the area in which the puppet regime operates - there is no certainty because that regime did not fully co-operate in 1991 with the Rapporteur - is provided in Mr. Cuco's Report on the Demographic Structure of the Cypriot Communities, 27 April 1992. Following that Report, the Parliamentary Assembly of the Council of Europe on 7 October 1992 passed a Recommendation, inter alia recommending that a census of the Cyprus population be conducted by the European Population Committee, that Turkey be invited to register in its "Cyprus Consulate" all Turkish citizens residing and arriving in Cyprus, and that the 1959 Agreements regarding the presence of armed forces in the island be scrupulously respected. This Recommendation was approved by those

Members of the Parliamentary Assembly who were present, other than the Turkish M.P s. That Recommendation is annexed, together with pp. 22-27 of Mr. Cuco's Report. Those documents comprehensively refute the Turkish Permanent Representative's letter.

It should be borne in mind that the UN Secretary-General has, in the context of settlers from Turkey in the northern part of Cyprus, repeatedly reiterated his concern that nothing should be done to change the demographic structure of the island (Reports, S/19927, 31 May 1988, para. 25; S/19304, 30 November 1987, para. 24; S/18880, 20 May 1987, para.29; S/18491, 2 December 1986, para.33). The question of Turkish settlers was raised in the joint high-level talks in New York in November 1992 on the Cyprus question, of which the Security Council is seized on a direct and ongoing basis. In consequence, the Secretary General suggested that there be "a Cyprus-wide census undertaken under the auspices of the United Nations" (S/24830, 19 November 1992 para. 63.7). The Security Council was of like opinion, urging that such a census be held (SC res. 789(1992), 24 November 1992, para. 8(g)).

To ensure provision of genuinely independent and objective information correcting the misleading pot-pourri of statistics in the "information note" by the Permanent Representative of Turkey, I request that this letter and its annexes, including the Parliamentary Assembly's 7 October 1992 Recommendation and the relevant excerpts of the Report of the Committee on Migration, Refugees and Demography be circulated as an official document under agenda item 8 of the Sub-Commission's forty-fourth session. I trust that, together with E/CN.4/Sub.2/1992/56, these documents will be provided to the Commission on Human Rights at its forty-ninth session in February 1993 in order to facilitate a decision on whether to endorse the Sub-Commission's decision to entrust Mr. A.S. Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer.

Furthermore, since the Sub-Commission has now risen from its forty-fourth session, I request that these official documents be placed before the Sub-Commission at its forty-fifth session, either under Agenda items 8 or 19, the latter becoming from 1993 a new Agenda item dealing, inter alia, with population flows and transfers.

I avail myself of this opprotunity to renew to Your Excellency the assurances of my highest consideration.

Nicolas Macris

(Nicolas D. Macris)
Ambassador
Permanent Representative

ANNEX

Some Comments on the "information note" annexed to the Letter dated 26 August 1992 from the Permanent Representative of Turkey addressed to the Chairman of the Sub-Commission

I. 1. The "information note" cites the 1924-1960 Cyprus Reports of the British Colonial Office as sources for stating that "Greek Cypriot uprisings and campaigns of oppression and horror led thousands of Turkish Cypriots to flee to Turkey and other countries" .

Such puported citation has no basis in fact: the Cyprus Reports say no such thing. What they do say, is that Cyprus is a country of migration, with younger Cypriots, Greek and Turkish alike, going abroad, especially to the United Kingdom and Australia, to seek work, and with older Cypriots returning home to retire. Cyprus, during the period of British Colonial administration, was relatively undeveloped and many Cypriots became migrant workers or economic emigrants.

I. 2. A point is made that between 1924-1927 5,000 Turkish Cypriots left Cyprus. That reference needs both explanation and correction.

The reason why some Turks left Cyprus between 1924-1927 was that Turkey insisted upon this. Turkey's policy in Eastern Europe had since 1913 been one of "exchange of populations" (a policy that was an earlier version of "ethnic cleansing"). Turkey had insisted upon such exchanges in the Treaties of San Stefano, Sevres and

Lausanne, not wanting Muslim Turks to remain in States whose borders were redrawn or where she had surrendered jurisdiction. Article 21 of the 1923 Treaty of Lausanne (inserted upon Turkey's insistence) required Turkish nationals ordinarily resident in Cyprus to opt within 2 years of the Treaty coming into force for Turkish nationality and to leave Cyprus within 12 months . Failing such option, they would lose Turkish nationality and acquire British nationality. Turkey actively encouraged Turkish Cypriots to elect to retain Turkish nationality and to return to Turkey, even opening a Consulate in Cyprus charged with encouraging and securing their return.

The Colonial Office Annual Report on Cyprus in 1927 (No. 1406, 1928, p.40) gave a figure of 5,000 Turkish Cypriots, who, having opted for Turkish nationality, had left for Anatolia. This is the figure cited by the Permanent Representative of Turkey. However, had the preparer of the "information note" been seriously concerned to provide the truth and not to act as a mere propagandist, he would have, provided the actual figures which the Turkish Foreign Ministry must possess. Far from Turkish Cypriots wishing to leave Cyprus and to return to Turkey, Turkish Cypriots did not wish to and did not leave Cyprus on any scale. The true facts were provided when the Colonial Secretary for Cyprus on 30 October 1934 asked the Turkish Consul to inform him of

> "the total number of persons who recorded at your Consulate their desire to opt for Turkish nationality within two years after the conclusion of the Treaty of Lausanne, but did not leave the Colony...".

The Turkish Consul replied

" The total number of Cypriots who opted for Turkish nationality is 9327. Of these only about 2000 have left the island. The rest are still residing in Cyprus " (CO 67/258/15, 116057, Muhuttine, Larnaca, 2 November 1934).

I. 3. The fraudulent assertion of attributing to Mr. Averoff-Tossizza the views of Turkish Prime Minister Menderes has already been dealt with in the text of my letter.

The actual number of persons in Turkey of Cypriot descent is difficult to ascertain. Certainly, a figure of 500,000 either by 1960 or by today is a gross exaggeration, especially having regard to the fact that the number of Turkish Cypriots in Cyprus (excluding Turkish mainland settlers) is about one quarter of that figure. Furthermore, as pointed out in my accompanying letter, Cypriots who emigrated from the early 1930s onwards mostly went to the United Kingdom or Commonwealth countries. Only in 1946, after World War II, did Cyprus' emigration and immigration figures result in a net outflow. Naturally, that outflow consisted of Greek as well as Turkish Cypriots. Indeed, the number of persons of Greek Cypriot descent outside Cyprus is more than 4 times the number of Turkish Cypriots similarly circumstanced. This is clear from British and Cypriot statistics, which show that from 1955 to 1973 71,036 Greek Cypriots and 16,519 Turkish Cypriots, as well as Armenians and Anglo-Americans, emigrated from Cyprus".

It is illuminating to note that in the 1959 and 1960 London Joint Committee meetings, charged with finalising the Cyprus Treaty of Establishment and citizenship provisions, the Turkish side was worried that re-immigration to Cyprus would upset the population balance. The Representative of Turkey, Mr. Bayulkan, insisted on 30 July 1959 that if the 80,000 Cypriots resident in the United Kingdom returned, this would upset the population balance. In consequence, Annex D to the Treaty of Establishment, meticulously observed by the Cyprus Government, imposed agreed quotas on each community as to persons of Cypriot descent who may obtain citizenship. The Turkish side, although demanding the insertion of these Treaty provisions in 1959, has now facilitated the puppet regime in flouting the terms of Treaty by bringing in settlers from Turkey and purporting to grant them "citizenship" of the so-called "Turkish Republic of Northern Cyprus".

Exaggeration of the number of Turkish Cypriot emigrants and persons of Turkish Cypriot descent is designed to provide a smokescreen for the policy of importing settlers from mainland Turkey. To concoct such an exaggeration and analyse it one has to go back to the great-great-grandparents of present generations. Naturally, after 1878, when the United Kingdom acquired from Turkey the right to occupy and administer Cyprus, some members of the administrative and military classes returned to Turkey. Yet the Turkish Cypriot population, as shown by colonial censuses, did not fall. It merely grew more slowly as a

proportion than did the Greek Cypriot population. The reasons for this slower population growth are unclear, but are probably that Greek Cypriot emigration lessened under British as opposed to Ottoman administration and that the general Eastern European phenomenon of Muslim Greeks reconverting to Christianity and being reclassified occurred once Ottoman rule ended.

If the period from 1878 to 1973 is analysed, Turkish Cypriot emigration can be roughly estimated as follows:

1878-9	c.2000	Turks left after the British take-over.
1924-34	2000	Turks left under the Treaty of Lausanne.
1880-1945	c.1000	Turks migrated. (Colonial Office Reports reveal a balance of migration and immigration.)
1946-1954	c.3000	Turks left - assuming 20% of the emigrants to be Turkish. (This is an over-generous estimate because the Colonial Office Report for 1950, the first large year of emigration, shows that most emigrants were Greek Cypriots.)
1955-1973	16,519	This is a precise figure from Colonial Office Reports and the Cyprus Statistics Department.
	24,519	A world-wide total of Turkish Cypriot emigrants from 1878-1973 is estimated.

Of course, emigrants inter-married and there would be descendants in various parts of the world with a Cypriot parent, grandparent, great-grandparent etc. However, it needs remembering that most emigrants went to Commonwealth States and relatively few to Turkey.

In sum, it is impossible for 500,000 mainland Turks to be Turkish Cypriots, as the Permanent Representative of Turkey asserts, or for there to be 750,000 Turkish Cypriots world-wide as Mr. Denktash has claimed.

I.4. Another gross distortion is citation of Mr. Riesen and Mr. Muller (Rapporteurs of the Draft Report for the Committee on Migration, Refugees and Demography, 10 March 1987, at para.55) for the assertion that "following the Greek Cypriot attacks between 1963-1974 21,439 Turkish Cypriots were forced to leave Cyprus". In reality, the Rapporteurs wrote that population growth in the Turkish occupied area had since 1974 exceeded the natural indigenous growth rate and that by 1986 13,426 Turkish migrants had been given Cypriot nationality (para. 43). They then quoted the Turkish Cypriot political leaders' explanation of these facts:

> "According to the Turkish Cypriot community the new arrivals consist partly of returning Turkish Cypriot emigrants who left the island between 1963 and 1974 (21, 439) and partly of an influx of Turkish manpower needed to remedy depopulation in that part of the island" (AS/PR(38)17) para. 55).

It should be noted that the Turkish Cypriot informants did not explain that the depopulation was caused by Turkey's 1974 invasion and the expulsion or flight southwards of 161,000 Greek Cypriots.

For the Permanent Representative to cite the Rapporteurs as the source, when they merely quoted Turkish Cypriot contentions, is statistical sleight of hand.

II. and III. These sections make unsubstantiated allegations under the misleading titles

(i) "Changing the Demographic Structure of Southern Cyprus (1963-1992)"; and

(ii) "Greek Cypriot Attempts to Change the Demographic Structure of Cyprus (1924-1990)".

As already pointed out, the major alterations to the demographic structure of Cyprus effected by Turkey's July and August 1974 invasions are not mentioned by the Permanent Representative of Turkey. Cyprus' total population in 1973 was 631,778. At the time, 162,041 Greeks lived in the area north of the Attila line (so-named by Turkey when in 1974 her forces sealed off the occupied area) and 43,017 Turkish Cypriots lived south of the Attila line. During Turkey's 1974 invasions the vast majority of Greek Cypriots in the occupied area were forced south to the government-controlled area. Most of the Turkish Cypriots south of the line had moved north by 1975 in accordance with the policy of the Turkish Cypriot leadership, who insisted that there was an "exchange of populations".

Dissection in detail of the various misrepresentations and egregious misunderstandings set out on pp.3-4 of the Permanent Representative's annex would be tedious. Nonetheless, the following points must be put on record:

(i) The Government of the Republic has not, as alleged in point 5, given thousands of Greek military personnel citizenship and is not in process of granting citizenship to tens of thousands of Greek and other foreign nationals. Because the Council of Europe's Rapporteur to the Committee on Migration fully investigated those statistics made available to him, Appendix 7 of the Cuco Report is here appended:

Naturalisations

Part controlled by the Government of the Republic of Cyprus

Year	COUNTRY OF ORIGIN										
	United Kingdom	Greece	Other European countries	Turkey			Lebanon	Syria	Egypt	Other countries	Total
				Turks	Armenians	Unknown					
1950-1975	12	23	8	24	26	15	7	4	7	8	134
1976-1980	19	8	5	5	6	5	1	4	5	6	64
1981-1985	22	13	13	1	301	20	24	8	6	10	418
1986-1990	30	74	28	4	5	2	30	22	13	10	218
TOTAL	83	118	54	34	338	42	62	38	31	34	834

Part controlled by the Turkish Cypriot Administration
Not indicated.

Source: Report on the Demographic Structure of the Cypriot Communities, 27 April 1992, ADOC 6589, Council of Europe Parliamentary Assembly, p. 47, Appendix 7.

Of the 834 persons granted citizenship by the Republic over the 31 years from 1968 to 1990 inclusive only 118 were Greeks (including all Greeks who intermarried or were former military personnel in Cyprus). The largest category granted citizenship was 338 Armenians, of whom 301 were refugees from Turkey who had lived in Cyprus for many years and were granted Cypriot citizenship in 1981. The Table plainly controverts the false statement in point 7 that in 1987 some 700 citizenships were granted by the Republic. The actual number of naturalisations was 69.

(ii) The bare statement that in 1987-1988 the number of short-and long-term immigrants in the Government-controlled area reached 10,156 is correct, but, taken alone, is misleading. First, the 10,156 statistic refers to the number of times persons of that category arrived in Cyprus. Persons come and go frequently, and that statistic much overstates the number of immigrants in Cyprus. In any event, the great majority of the persons referred to were short-term immigrants (ie. those who reside in Cyprus for less than a year). Only 383 of 10,156 arrivals involved persons who were long-term immigrants. Many persons work short-term in Cyprus for international companies; others come to retirement homes; and refugees from the Lebanon pass through. Recently, because of labour shortages, the Government has granted short-term permits to workers from Egypt, Pakistan, the Philippines, Syria and Eastern Europe. (Mr. Cuco's Report cites the statistics.) The implication of points 5 and 15 of the "information note" that officially-permitted short-term immigration is a prelude to naturalisation and changing the demographic structure is without foundation.

(iii) Equally false is the suggestion in points 9 and 17 that the Government of the Republic has "recently" issued Cypriot identity cards to many Arab immigrants as well as to mainland Greeks and gypsies. From the introduction of identity cards by the Registration of Residents Law (Cap. 85 of 1957, a British colonial Law still in force) similar cards have been issued to Cypriots and registered aliens. Following the amendments in Law 176 of 1991, two categories of cards have been issued, one for Cypriot citizens and one for aliens.
In this connection, the Sub-Commission might take note of the racist overtones of points 9 and 17 of the Permanent Representative of Turkey's annex, which imply that it is wrong to accord the privilege of identity cards to "Arab immigrants as well as to the mainland Greeks and gypsies". Again, although every country has illegal immigrants, it is racist to emphasise in point 16 the alleged "2,000 illegal Arab immigrants currently living in southern Cyprus".

(iv) The "information note's" reference in point 10 to 1942-1943 mainland Greeks coming to Cyprus is wholly misleading. These persons were refugees from the Dodecanese Islands and Rhodes following Germany's occupation of those islands. The then British Colonial Government did not agree that those who wished to do so should be permitted to settle in Cyprus and most were sent to mainland Turkey, Palestine or Egypt, while a small proportion of those who "arrived in Cyprus" stayed there as refugees until the end of the war only.

(v) Equally misleading is the reference in point 8 to the number of Lebanese living in the Republic. At the height of the Lebanon's troubles, 30,000 Lebanese refugess stayed for short periods in Cyprus, as is shown by the Council of Europe's Parliamentary Assembly Report on the Situation of the Lebanese Population Fleeing the Country, DOC. 6155, 5 January 1990, para.20. However, by 1990 only 62 Lebanese had been naturalised (covering the period 1960-1990 inclusive), most of these being married to Cypriots. That same Report showed that only 2% of Lebanese who arrived in Cyprus remained for periods over 3 months (para.21). Such callous distortion of a grave humanitarian problem is unforgiveable. Cyprus, being adjacent to the Lebanon, has naturally given asylum to and assisted Lebanese refugees with onwards travel.

CONCLUSION

To quote complex historical facts out of context is disingenuous and misleading. The letter from the Permanent Representative of Turkey is a misguided attempt, not borne out by the facts, to justify the Republic of Turkey's massive demographic manipulation in Cyprus from 1974 onwards and, at the same time, to assert that the Government of the Republic and Greek Cypriots also engaged in demographic manipulation.

In fact, the Government of the Republic and, before them, the British colonial authorities were careful not to interfere with the population balance in Cyprus. They were always conscious of the explosive effects such policies can have upon plural societies and the risks they entail of violating human rights, in particular the right of self-determination of the people of Cyprus.

20/1/93

COUNCIL OF EUROPE — CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

27 April 1992 — Doc. 6589
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1403-23/4/92-4-E

REPORT

on the demographic structure of the Cypriot communities

(Rapporteur: Mr CUCÓ, Spain, Socialist)

Problem

The events of 1974 led to the de facto division of the island of Cyprus into two parts. In the southern part, controlled by the Government of the Republic of Cyprus, the population was estimated at 575 000 at the end of 1990, whereas the figure was 505 700 for 1974. In the northern part, controlled by the Turkish-Cypriot Administration, the population was estimated to be 171 500 at the end of 1990, as against 115 600 in 1974. During the period from 1974 to 1990, the population increase rates would have been 13,70 % in the southern part and 48,35 % in the northern part.

As the natural rates of increase in the population based on the number of births and deaths, are comparable in both parts of the island, the population growth in the north must be due to a substantial influx of migrants. It is an established fact that, from 1975 onwards, Turkish nationals arrived in the northern part of Cyprus. The waves of migrants were particularly large in 1975 and 1977. The aim of the Turkish-Cypriot Administration's policy regarding the Turkish migrants has been to encourage their permanent settlement in the island.

The presence and naturalisation of the Turkish migrants constitute an additional obstacle to a peaceful, negotiated solution of the Cypriot conflict.

Proposals

The Assembly recommends that the Committee of Ministers instruct the European Population Committee (CDPO) to conduct a census of the island's population, in co-operation with the authorities concerned, in order to replace population estimates with reliable data.

The Committee of Ministers should request the authorities of the Republic of Cyprus and the Turkish-Cypriot Administration to keep the arrival of aliens on the island under strict control.

The Turkish-Cypriot Administration should be invited to reconsider the legislation on naturalisation in force in the part of the island it controls, so that no changes in the demographic structure of the island result from the application of such legislation.

87. I asked Mr Camilion to estimate the number of troops in the island. I found these estimates extremely interesting. In the northern part of the island, there were 30 000 Turkish soldiers and a contingent of some 5 000 Turkish-Cypriot soldiers. In the southern part of the island, the Cypriot national guard had a complement of between 14 000 and 15 000 men, to which about 2 000 to 3 000 Greek soldiers and officers had to be added. There were 4 000 officers and soldiers accompanied by approximately 6 000 British civilians at the British bases in the south of the island (Akrotiri and Dhekelia), the status of which had been accepted by all parties to the 1959 agreements. The United Nations Peacekeeping Force consisted of 2 200 men.

THE PROBLEM OF SETTLERS FROM TURKEY

88. Having heard all the parties, I think that my first duty as Rapporteur is to avoid the pitfall of engaging in a war of figures. Everyone admits that, since 1975, Turkish nationals have arrived in the northern part of Cyprus. For some people they are part of a smallish migratory movement, for others they constitute regular colonisation. If, from now on, I use the term "settler" to describe these persons it is because, from the evidence I received, they actually came to settle and work in a depopulated area.

89. Both parties admit that two particularly large waves arrived in 1975 and 1977. They were probably massive as, even taking the lowest estimates, they represented the arrival of a group of persons making up more than 10% of the Turkish-Cypriot population at that time. The Turkish army also moved in permanently at that juncture. Since then, there has been a smaller, but steady flow, although it has had less impact on the total population, owing to the simultaneous emigration of Turkish Cypriots.

90. It is also agreed that the Turkish settlers fall into two main categories. The vast majority are peasants and shepherds, whose life in the north of Cyprus is similar to the one they were leading in Anatolia. The other category comprises managers, businessmen and retired Turkish army officers. They are a minority who nonetheless seem to exert considerable influence on the ruling class of Turkish Cypriots.

91. I was not personally able to see whether the settlers had moved into particular villages. According to Professor Heinritz and Professor Brey, the population movements that followed the events of 1974 could have depopulated some villages in the north. During their visits to the northern part of Cyprus, the two professors were able to determine that this was not the case and that the settlers had moved into villages that had been abandoned by Greek Cypriots.

92. Especially in these villages, the settlers had preserved their original social, economic and cultural characteristics and were therefore viewed as foreign elements by a number of Turkish Cypriots. Some of the people I spoke to even claimed that the settlers were moved by religious fundamentalism, which would cause tension between the settlers and the Turkish Cypriots. The latter, who were more open to the European way of thinking, were laxer in their religious observance. This tension was likely to turn into real animosity.

93. As the Turkish ambassador in Nicosia indicated, there is no consular register of Turkish nationals in Cyprus. Nevertheless, it must not be assumed from this that there are no contacts between the settlers and the Turkish authorities. Most of the settlers were

transferred to Cyprus as the result of a decision of the Turkish authorities and so they feel indebted for their present situation. For this reason, according to some of the people I spoke with, they are particularly sensitive to signals from the Turkish authorities, especially at election time. The elite of the settlers are said to be highly susceptible to Turkish influence. Some people even claimed that the Turkish embassy was behind the setting-up of the Revival Party, the settlers' chief political grouping.

94. The aim of the Turkish-Cypriot Administration's policy towards the settlers has been to promote their permanent establishment on the island. The settlers are granted housing, land or other properties on special terms. They are issued with a "concession certificate" which they are not entitled to sell or pass on to a third party until a period of twenty years has elapsed.

95. Nevertheless, the most important measure for the settlers has been the possibility of acquiring Turkish-Cypriot nationality. In 1975, the Turkish-Cypriot Administration passed Act No. 3/1975, under which nationality could be given to anyone who requested it and, in particular, to members of the Turkish armed forces who had served in Cyprus, the wives, children and brothers of members of these forces who had fallen in Cyprus between 20 July 1974 and 20 August 1974 or to persons who had served in the Turkish Resistance Organisation in Cyprus or Turkey.

96. In 1981, a regulation on the acquisition of the nationality of the state in exceptional cases supplemented these provisions. This text provides for the granting of Turkish-Cypriot nationality to persons permanently resident in the northern part of Cyprus for at least one year, to persons who have made or who could make an important contribution to the economy, to those who have contributed to social and cultural life, the development of external relations or the raising of the standard of education and to all those who have rendered services the continuation of which is vital to the security forces. Proof must, however, be supplied in all cases. One of the last provisions of this regulation also permits the granting of nationality to any person, when the authorities consider this to be necessary.

97. For the settlers, a whole series of political rights were attendant on the acquisition of nationality. The most important of these rights is undoubtedly the right to vote. At first the settlers voted en masse for Mr Denktash's National Unity Party. Nevertheless, between 1978 and 1981 some small political parties came into being (Turkish Unity Party, Reform and Prosperity Party and Social Justice Party). They were strongly flavoured with Turkish nationalism and quite openly proclaimed their intention to build a Turkish nation. Their poor showing at various elections furthered the emergence of a new party, at the instigation (according to some people) of the Turkish authorities. As I said earlier, this was the Revival Party, which is in favour of maintaining the present status quo.

OTHER POPULATION FLOWS

98. To complete the demographic picture of Cyprus, account must also be taken of the presence on the island of several groups of aliens, the biggest being the Turkish army in the north of the island which, according to some estimates, numbers some 30 000 men. This is a very substantial figure, equivalent to some 15% of the total population of the northern part of Cyprus. When travelling about in this part of the island, I noted the highly conspicuous presence of the Turkish army.

99. The two British military bases provided for in the 1959 agreements are located in the southern part of the island. They are manned by approximately 4 000 soldiers and officers accompanied by 6 000 civilians.

100. In recent months, the southern part of Cyprus has been facing a dearth of manpower in some branches of the economy such as the building trade, public works and the service industries. This situation has led trade unions and employers to sign an agreement whereby migrant workers may be called in. The number of the migrant workers who will be allowed to work in the southern part of the island has not been specified. Firms wishing to employ foreigners will have to submit a formal application to the Cypriot Ministry of Labour, which has said that each case will be examined individually by a tripartite committee consisting of representatives of the ministry, trade unions and employers.

101. Cyprus's geographical position has meant that it has also taken in a very large number of Lebanese, who have traditionally used the south of the island as a refuge whenever fighting rages in their country. Their situation has been dealt with at length in Mr Flückiger's report on the situation of the Lebanese civilian population fleeing the country (Doc. 6155). I can only reiterate what is said in the report. Lebanese citizens went to Cyprus on account of its geographical proximity and as a first leg of a long journey which generally took them to other European countries or the United States. On the whole, those who have remained in Cyprus live in hope of returning to the Lebanon as soon as circumstances permit. The Lebanese who are living in Cyprus at present hold a temporary residence permit and are registered with the Immigration Office. In 1990 they numbered 1 410.

102. A further factor to be borne in mind is the tradition of emigration among the Cypriot population. Even before independence, Cyprus, like so many other countries in southern Europe, had long been a country of emigration. Cypriots left the island to seek better living and working conditions above all in Australia, the United Kingdom and other Commonwealth countries. The improved economic situation, especially in the south of the island, has meant that there is virtually no emigration from this part of the island today. In the absence of statistics on migratory movements, it is difficult to gain a clear picture of the situation in the north. These movements are not even shown in the annual statistics published by the Turkish-Cypriot Administration, which merely contain a large section on tourism, recording the number of arrivals and departures of foreign nationals and Turkish Cypriots. The difference between the number of arrivals and departures between 1978 and 1988 reveals that some 10 000 Turkish Cypriots have emigrated. According to statements from the Turkish-Cypriot opposition parties, emigration is continuing, particularly among young people.

CONCLUSIONS

103. Before presenting the conclusions I have drawn from my talks and the data I gathered, I would like to make it clear that the main purpose of this report was to study developments in the structure of the population in Cyprus. The difficulties I encountered make me think that this aim was too ambitious. In spite of everything, I tried to separate reality from the confused mass of data and information. The real situation appears to be highly complex and full of contradictions, hence the risk of offending the sensitivities of various parties throughout this report. Nevertheless, the sole concern that has guided

me in my capacity as Rapporteur has been to make a contribution, however modest, to the efforts of all those who are striving to solve the Cypriot conflict through dialogue. Above all, I would not like this report to be used to fan the quarrels between the two communities.

104. I drew a preliminary conclusion from my talks with all the parties concerned: the establishment of Turkish settlers in the northern part of the island is an undisputed fact, although there is controversy over the figures. The settlers were mentioned by everyone I spoke to.

105. This influx of Turkish settlers has had a real impact on the structure of the population in the northern part of the island. According to the Turkish-Cypriot Administration, the population here went up from 115 600 in 1974 to 148 500 in 1979. This increase of 32 900 persons is much larger than the natural rate of increase of the population, which worked out at a mere 7 843 over that period. It is therefore the result of a net migratory movement of 25 057 persons. I have no grounds for asserting that all arrivals were Turkish settlers, but neither do I have any reason to assume that, during this period, there was no emigration by Turkish Cypriots comparable to that of the Greek Cypriots, above all to Australia, the United Kingdom and the other countries of the Commonwealth. No matter what the reasons are, a 28% surge in the population in five years is quite exceptional, wherever it occurs.

106. The arrival and establishment of the Turkish settlers is the most notable demographic occurrence in Cyprus since 1974. One only has to consult the statistical tables to see that the chief demographic indicators (natural rate of increase of the population, marriage, divorce and infantile mortality rates) from 1974 up to the present display quite comparable trends for both communities. Only one indicator, the fertility rate, shows a substantial divergence, especially between 1975 and 1980. It is higher in the north than in the south, which confirms the effect of the settlers' arrival on the island's demography.

107. The two communities have different stances on the issue of the Turkish settlers. The Greek Cypriots are extremely worried about a situation which they regard as serious and accuse the Turkish-Cypriot Administration of conducting a policy to promote colonisation. In the northern part of the island, the attitude to the establishment of Turkish settlers seems to have changed considerably since 1974. While these settlers were at first seen by the vast majority of Turkish Cypriots as a vital injection of the additional manpower needed by the country, over the years their growing numbers and the role that some of them play in political life have changed initial perceptions and introduced wide divergences within the Turkish-Cypriot community.

108. The parties in control of the Turkish-Cypriot Administration first played down the number of settlers and then said that their presence was not a problem. The opposition parties, on the other hand, vigorously denounce the arrival of the settlers, their naturalisation and their use for electoral purposes by the ruling parties.

109. I personally think that the arrival of the Turkish settlers in the island is less serious than their naturalisation by the Turkish-Cypriot Administration. In the light of events in 1974, I could accept that the northern part of Cyprus, like other European countries, had to call on Turkish migrant workers in order to overcome the shortage of manpower. But the 1975 Act on naturalisation, passed by the Turkish-

Cypriot Administration, clearly shows that it was already deliberate policy to give these Turkish nationals Cypriot nationality. The 1981 regulation supplementing the Act merely strengthens this impression. A decision by the authorities is all that is needed for a person to acquire Cypriot nationality.

110. The very existence of these legal texts giving the Turkish-Cypriot Administration enormous discretion in the matter of acquiring nationality, leads me to believe that the opposition parties' allegations about waves of naturalisation prior to each election, are probably based on fact.

111. Compared with the demographic impact of the Turkish settlers' establishment in Cyprus, the other migratory flows in Cyprus since 1974 have been of minor importance, as is proved by the fact that the arrival of other foreigners in the north and south of the island was mentioned only occasionally in my talks with the parties concerned.

112. In my conclusions I must also draw attention to the demographic impact of the presence of the Turkish army in the northern part of Cyprus. Even if we take the lowest estimate of a contingent of 30 000 men and a population totalling 180 000 persons, this works out at one soldier per six civilians, a ratio that must be unique in Europe.

113. The structure of the population in Cyprus is a matter of concern not only to the Parliamentary Assembly of the Council of Europe. Since the partitioning of the island in 1974, the international community has expressed an opinion on the subject in various settings. At the beginning, the texts adopted by the General Assembly of the United Nations, the United Nations Commission on Human Rights or the Conference of Heads of State or Government of Non-Aligned Countries went no further than requesting the parties not to change the demographic structure of Cyprus.

114. Towards the end of the eighties, however, the question of the settlers was referred to openly. For example, the communiqués of the Commonwealth Heads of Government (Vancouver 1987, Kuala Lumpur 1989 and Harare 1991) contain explicit references to the need for a speedy withdrawal of all foreign troops and settlers from Cyprus. A similar anxiety was expressed at various ministerial meetings of the non-aligned countries, which likewise called for the immediate withdrawal of the occupying forces and settlers (New York 1987, Belgrade 1989 and Algiers 1990). The European Parliament, in a resolution adopted in May 1988 on the situation on Cyprus, was also in favour of establishing a precise timetable for the withdrawal of the Turkish troops and settlers.

115. All the foregoing leads me to the conclusion that the presence and naturalisation of the settlers indubitably constitutes a further barrier to a peaceful negotiated solution of the Cypriot conflict. The many political disputes and wrangles over refugees, missing persons or the destruction of cultural property aggravate a problem, the humanitarian dimensions of which are plain for all to see. Moreover, the more settlers there are, the more difficult it will be to find a solution that is acceptable to both communities and the settlers themselves.

116. The complexity of the Cyprus issue has often been used in some quarters as a pretext for inaction. As Rapporteur I believe on the contrary that, despite the difficulties, the Council of Europe has a

role to play in helping to find a solution to a crisis involving several of its member states. Keeping determinedly to demographic questions, I think that the holding of a census in both parts of the island is a matter of extreme urgency, in view of the absence of reliable data on the island's population. It is time that estimates are replaced by genuine data. An independent body should be made responsible for conducting the census. Why not put the European Population Committee (CDPO) in charge of it? Its demographers are internationally recognised for their competence and independence.

117. I also think that it is absolutely necessary to carry out strict checks on foreign tourists and workers arriving on the island. It is equally essential to record the migratory movements of the Cypriot population with accuracy. No one is able to say how many Cypriots, who have retained their nationality, are living abroad at present.

118. The Turkish-Cypriot Administration must also be called upon to reconsider the Act on naturalisation in force in the part of the island under its control. The liberal way the administration has applied it up until now is becoming a divisive element within the Turkish-Cypriot community itself.

119. All these measures ought to permit the gradual establishment of a climate of trust between the two communities. Dialogue to find a solution to the dispute will be possible only in such a climate. This dialogue must really be open to all Cypriots. I personally have the impression that the present Turkish-Cypriot Administration does not pay sufficient heed to the opposition's points of view when reflecting on the island's future.

120. In conclusion, I would like to make it clear that in both the north and the south of Cyprus I met many people who obviously wanted to see the conflict settled through dialogue. This is a hopeful sign. As Rapporteur it only remains for me to hope that the member states of the Council of Europe will give their full support to the efforts of the Secretary General of the United Nations to achieve the re-establishment of a law-based state in the whole of Cyprus as soon as possible.

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RECOMMENDATION 1197 (1992)[1]

on the demographic structure of the Cypriot Communities

1. Historic events led to the de facto division of the island of Cyprus into two parts. Almost the entire Greek-Cypriot community lives in the southern part, controlled by the Government of the Republic of Cyprus. Almost the entire Turkish-Cypriot community lives in the northern part controlled by the Turkish-Cypriot Administration.

2. According to the Government of the Republic of Cyprus, the population in the southern part was estimated at 575 000 at the end of 1990, whereas the figure was 505 700 for 1974. This would give a rate of increase of 13,7% for the period 1974 to 1990.

3. According to the Turkish-Cypriot Administration, the population in the northern part was estimated to be 171 500 at the end of 1990, as against 115 600 in 1974. This would give a rate of increase of 48,35% for the period 1974-90.

4. As the natural rates of increase in the population, based on the number of births and deaths, are comparable in both parts of the island, the population growth in the north must be due to a substantial influx of migrants.

5. It is an established fact that, from 1975 onwards, Turkish nationals arrived in the northern part of Cyprus, where they settled on a long-term basis. The waves of migrants were particularly large in 1975 and 1977 because, even on the lowest estimates, they

[1] Assembly debate on 8 May 1992 (8th sitting). See Doc.6589, report of the Committee on Migration, Refugees and Demography (Rapporteur: Mr Cucó). Text adopted by the Assembly on

represented 10% of the Turkish-Cypriot population at that time. Subsequently, there was a smaller, but steady flow. A fairly visible presence of Turkish armed forces is also to be noted in the northern part of the island.

6. The aim of the Turkish-Cypriot Administration's policy regarding the Turkish migrants has been to encourage their permanent settlement in the island. Migrants are granted housing, land or other properties on special terms. However, the most important measure has been to allow them to acquire Cypriot nationality and hence political rights. The legal texts give the authorities discretionary power in this matter.

7. The Greek Cypriots are extremely concerned at the arrival of the Turkish migrants. At first, the Turkish Cypriots regarded this injection of manpower as essential. Today, the growing number of migrants, their naturalisation and the important role that some of them play in political life have given rise to wide divergences within the Turkish-Cypriot community.

8. The presence and naturalisation of the Turkish migrants, who once established on the island become settlers, constitute an additional obstacle to a peaceful, negotiated solution of the Cypriot conflict.

9. The Assembly therefore recommends that the Committee of Ministers:

i. instruct the European Population Committee (CDPO) to conduct a census of the island's population, in co-operation with the authorities concerned, in order to replace population estimates with reliable data;

ii. request the authorities of the Republic of Cyprus and the Turkish-Cypriot Administration to keep the arrival of aliens on the island under strict control;

iii. appeal to the Turkish-Cypriot Administration to reconsider the legislation on naturalisation in force in the part of the island it controls, so that no changes in the demographic structure of the island result from the application of such legislation;

iv. promote the establishment of a climate of trust between the two Cypriot communities;

v. invite the guarantor powers of the Republic of Cyprus to respect the provisions of the 1959 agreements scrupulously, especially with regard to the presence of armed forces in the island;

vi. invite Turkey to register in its Cyprus Consulate all Turkish citizens residing and arriving in Cyprus;

vii. give its full support to the efforts of the Secretary General of the United Nations to achieve the rapid re-establishment in the whole of Cyprus of a law-based state accepted by both communities.